

SEP 29 1997  
PATENT & TRADEMARK OFFICE  
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10/17/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Oscar Johannes Maria GODDIJN, et al

Serial No.: 08/779,460

Group No.: ---

Filed: January 7, 1997

Examiner: ---

For: ENHANCED ACCUMULATION OF TREHALOSE IN PLANTS.

Attorney Docket No.: U-011098-6

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**RESPONSE TO OFFICIAL ACTION**

Sir:

In response to the Official Action of August 25, 1997, wherein the Examiner has advised that the U.S. Patent and Trademark Office has not received a copy of a "Sequence Listing" in

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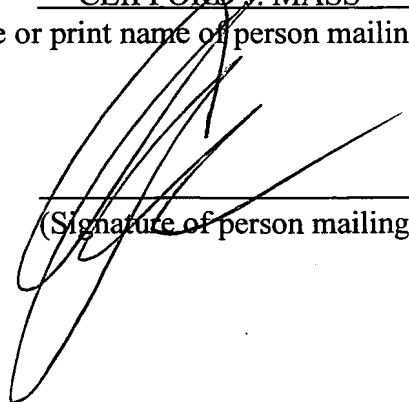
**CERTIFICATE OF MAILING (37 CFR 1.8a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231

CLIFFORD J. MASS

Type or print name of person mailing paper)

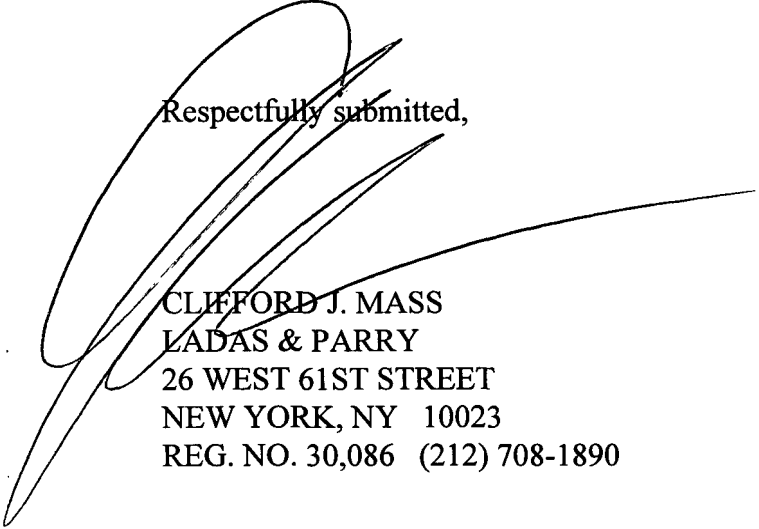
Date: September 24, 1997

  
(Signature of person mailing paper)

computer readable form, Applicants advise that one was sent with the Official Communication filed May 27, 1997 (see copy of return receipt postcard enclosed herewith). Nevertheless, since it appears that the computer readable copy may have been lost or misplaced, Applicants submit herewith a substitute copy of the "Sequence Listing" in computer readable form. Applicants also submit herewith a substitute paper copy of the "Sequence Listing", as well as an Amendment directing its entry into the specification. Applicants further submit a statement that the content of the paper and computer readable copies are the same and include no new matter.

Applicants respectfully submit that they have now complied with all requirements of the aforementioned Official Action. An early examination of the application on its merits is respectfully requested.

Respectfully submitted,



CLIFFORD J. MASS  
LADAS & PARRY  
26 WEST 61ST STREET  
NEW YORK, NY 10023  
REG. NO. 30,086 (212) 708-1890

CJM:sd  
c:\docs\11098res.sep

U-011098-6

May 22, 1997

In re application of: Oscar Johannes Maria GOODIJN, et al

Serial No.: 08/779,460

Group No: 65373 U.S. PTO

Filed: June 6, 1996

Examiner:



For: ENHANCED ACCUMULATION OF TREHALOSE IN PLANTS

Completion of Filing Requirements; Check # P 31905 for \$298.00; Notice to File Missing Parts of Application; Submission of Sequence Listing Transmittal, Computer Readable 3-1/4" Disk and Paper copy of Sequence Listing. *and*

*Preliminary Amendment.*

FILED \_\_\_\_\_

CJM:sd



Attorney's Docket No. U-011098-6

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Oscar Johannes Maria GODDIJIN, et al

Serial No.: 08 / 779,460

Filed: January 7, 1997 Group No.: ---

For: ENHANCED ACCUMULATION Examiner: ---

OF TREHALOSE IN PLANTS

Box Sequence

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,  
AND/OR AMENDMENT PERTAINING THERETO FOR BIOTECHNOLOGY  
INVENTION CONTAINING NUCLEOTIDE AND/OR AMINO ACID  
SEQUENCE**

(check and complete this item, if applicable)

1. ☒ This replies to the Office Letter dated August 25, 1997

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

☒ A copy of the Office Letter is enclosed.

**CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

**37 CFR 1.8(a)**

☐ with sufficient postage as first class mail.

**37 CFR 1.10**

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_

**TRANSMISSION**

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: September 24, 1997

Signature \_\_\_\_\_

Clifford J. Mass

(type or print name of person certifying)

(Submission—Nucleotide and/or Amino Acid Sequence [9-37]—page 1 of 6)

### IDENTIFICATION OF DECLARANT

2. I, Clifford J. Mass  
(type or print name of declarant signing below)  
state the following:

### ITEMS BEING SUBMITTED

3. Submitted herewith is/are

(check each item as applicable)

- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application, each "Sequence Listing" is assigned a separate identifier as required in 37 CFR § 1.821(c) and 37 CFR §§ 1.822 and 1.823
- B. ☒ An amendment to the description and/or claims wherein reference is made to the sequence by use of the assigned identifier as required in 37 CFR § 1.821(d)
- C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form in accordance with the requirements of 37 CFR §§ 1.821(e) and 1.824
- D. ☐ Please transfer to this application, in accordance with 37 CFR § 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:

Serial No.: 0 /

Group No.:

Filed:

Examiner:

For:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form  
(other application)

"Sequence Identifier"  
(this application)

NOTE: "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference may be made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified." 37 CFR 1.821(e).

E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same as required in 37 CFR § 1.821(g).

☐ Since the statement is not made by a person registered to practice before the Office the Statement is verified as required in 37 CFR § 1.821(b).

F. ☒ Since this submission is made in fulfilling the requirement under 37 CFR § 1.821(g), a statement that the submission includes no new matter

☐ Since the statement is not made by a person registered to practice before the Office the statement is verified as required in 37 CFR § 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING" AND COMPUTER READABLE COPY ARE THE SAME AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

*(complete applicable item A and/or B)*

A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.

B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

**VERIFICATION**

5. NOTE: "Such a statement must be verified statement if made by a person not registered to practice before the Office." 37 CFR § 1.821(f) and (g).

☐ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**STATUS**

6. Applicant is

☐ a small entity. A verified statement:

☐ is attached.

☐ was already filed.

☒ other than a small entity.

(Submission—Nucleotide and/or Amino Acid Sequence [9-37]—page 3 of 6)

## EXTENSION OF TERM

7.

NOTE: "Extension of Time in Patent Cases (Supplement Amendments)—If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

8. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

(a) ☐ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 370.00	\$185.00
<input type="checkbox"/> three months	\$ 870.00	\$435.00
<input type="checkbox"/> four months	\$ 1,360.00	\$680.00
	Fee	\$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

OR

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE PAYMENT

9. ☐ Attached is a check in the sum of \$\_\_\_\_\_  
☐ Charge Account No. \_\_\_\_\_ the sum of \$\_\_\_\_\_

A duplicate of this transmittal is attached.

(Submission—Nucleotide and/or Amino Acid Sequence [9-37]—page 4 of 6)

## FEE DEFICIENCY

10.

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

11. ☒ If any additional extension and/or fee is required, charge

Account No. 12-0425

### SIGNATURE(s)

Clifford J. Mass

(type or print name of person signing declaration)

May 22, 1997

(Date)

Clifford J. Mass

Registration No. 80,086

c/o LADAS & PARRY

26 West 61st Street

New York, NY 10026

(if applicable)

Telephone No. ( )

Reg. No.

(Signature)

- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☐ Person authorized to sign on behalf of assignee
- ☐ Attorney or agent of record
- ☒ Filed under Rule 34(a)
- ☐ Other \_\_\_\_\_

(specify identity of declarant)

(complete the following if applicable)

\_\_\_\_\_  
(type name of assignee)

\_\_\_\_\_  
(Address of assignee)

\_\_\_\_\_  
(Title of person authorized to sign on behalf of assignee)

A "CERTIFICATE UNDER 37 CFR 3.37(b)" is attached.



Assignment recorded in PTO on \_\_\_\_\_  
Reel \_\_\_\_\_ Frame \_\_\_\_\_

Reg. No.

Tel. No.: (     )

SIGNATURE OF ATTORNEY

Clifford J. Mass  
Registration No. 30,086

(type or print name of attorney)  
S/O LADAS & PARRY  
26 West 61st Street  
New York, NY 10023

(P.O. Address)  
(212) 708-1890



APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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08/779,460 01/07/97 GODDIJN 0 U-011098-6

0232/0328

WILLIAM R EVANS  
LADAS AND PARY  
26 WST 61ST STREET  
NEW YORK NY 10023

NOT ASSIGNED

DATE MAILED: 1819

03/28/97

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted **ALONG WITH THE PAYMENT OF A SURCHARGE** for items 1 and 3-6 only of \$ 130 for a ☒ large entity ☐ small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

**If all required items on this form are filed within the period set above, the total amount owed by applicant as a**

☒ large entity ☐ small entity (verified statement filed), is \$ 298.

☐ 1. The statutory basic filing fee is:

- ☐ missing.
- ☐ insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).

☒ 2. Additional claim fees of \$ 168, including any multiple dependent claim fees, are required.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing.
- ☐ does not cover the newly submitted items.
- ☐ does not identify the application to which it applies.
- ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are:

- ☐ missing.
- ☐ by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$ \_\_\_\_\_ processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☒ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the response.**

B DAVE NORT  
Customer Service Center

Initial Patent Examination Division (703) 308-1202